

United States Department of Agriculture
Research, Education, and Economics

ARS □ CSREES □ ERS □ NASS

Policies and Procedures

Title: Guidance and Instructions for the Collection and Use of Fees for Revocable Permits and Easements

Number: 244.0-ARS

Date: October 08, 2015

Originating Office: Facilities Division, Real Property Management Branch, AFM/ARS/FD

This Replaces: P&P 244.0 dated January 21, 2004, and Bulletin 01-250, which expired February 28, 2003

Distribution: ARS Offices in Headquarters, Areas and Field Locations

This issuance provides guidance and instructions for the collections and use of fees for revocable permits, easements, or other special use authorizations for the occupancy or use of land and facilities under the custody and control of ARS

1. Introduction

The ARS appropriation account in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, (Act) authorizes ARS to charge user fees, commensurate with the fair market value, for any revocable permit, easement, or other special use authorization for the occupancy or use of land and facilities under the custody and control of ARS (including land and facilities at the Henry A. Wallace - Beltsville Agricultural Research Center). These instruments are to be issued by Real Estate Warrant Officers, as authorized by law. The Act provides for fees to be credited to an appropriation account and remain available until expended for authorized purposes. Congress, as a part of the ARS annual appropriation, must renew this authorization annually.

2. Authorities

- Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 9701)
- OMB Circular No. A-25, dated July 8, 1993 - Government policy regarding fees assessed for the use of Government goods or resources
- Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.
- ARS Real Property Manual 245.1, Chapters III, and IV

3. Intent

The authorities outlined in the P&P are intended to make Federally-owned and leased land and facilities under the custody and control of ARS, available to non-Federal as well as Federal entities, in support of the ARS research mission or by Presidential mandate. The Act does not give ARS new authority to lease Federally owned land and facilities, including space in ARS-controlled buildings, to non-Federal entities. The new authorities are not to be viewed as a means for generating new revenues. The Act does give ARS new authority to retain the User Fees (Fees) collected under ARS' current authority to issue revocable permits and easements for the use of these facilities.

4. Issuance of Revocable Permits, Easements, and other Occupancy Agreements

Revocable permits are to be used to make Federally owned and leased land and facilities under the custody and control of ARS, available to non-Federal and Federal entities as outlined in ARS Real Property Manual 245.1, Chapter IV, Revocable Permits. Easements are to be used to make Federally owned land available for road and utility rights-of-way as outlined in ARS Real Property Manual 245.1, Chapter III, Grants of Easement. Only Real Estate Warrant Officers are authorized to issue revocable permits, easements, and other special use occupancy agreements as outlined in the Real Estate Warrant Program, P&P 241.2.

5. Application for Revocable Permit or Easement

Requestor will submit an application for a revocable permit or easement by utilizing the appropriate Form, as shown in Exhibit 1.

Collection of User Fees

In general, the fair market value for a Fee for revocable permits is less in value than the fair market value for rent under a lease agreement, since the permittee bears the risk of the permit being revoked. The collection of Fees is tied to the issuance of the revocable permit, easement, or other authorized special use occupancy agreement.

- **Revocable Permits:** Fees for revocable permits are normally collected in advance or simultaneously with the rendering of services. Retention of Fees is limited to the fiscal years in which ARS has express authority to retain Fees. ARS may continue retention of Fees, only if Congress renews this authority on an annual basis. Fees shall be applied under the following circumstances (list is not conclusive):

Non-Federal use of land; private construction (such as ingress/egress); archeological digging & soil borings/water/architectural diggings; private bike/road races; non-Federal use of facilities; antennas; parking spaces; media (such as for TV, movie, or video production):

- **Easements:** An easement is a vested property right granted for a term of years. The consideration for the granting of an easement usually is collected in one lump sum at the time of the recording of the easement. Fees/consideration shall be applied under the following circumstances (list is not conclusive):

Utilities (private, non-Federal, university); roads, sidewalks, hiker-biker paths; right-of-way for business and private development; conservation easement; railroads; dam development & well drilling; airport and airspace

6. Circumstances Warranting No Collection of Fees

- **Revocable Permits:** The following circumstances are deemed to warrant **no** collection of Fees for the establishment of a revocable permit:

Vending services space; nature activities; parking spaces (under prior agreement); use of various facilities by REE employees, employee association functions, credit union meetings, union meetings, etc; school/non-profit public bike/road races; soil borings/water/archeological diggings benefiting the Federal government; government construction; use of land by Federal employees, non-Federal entities (such as the Farmers' Market) and non-profit organizations (4-H, agricultural events, etc.)

- **Easements:** The following circumstances are deemed to warrant **no** collection of Fees for the establishment of an easement:

Fence lines; right-of-way for private residences who are land-locked

7. Recommended User Fees

Fees will generally fall under one of the following three methodologies:

- a. **Flat Fee** - A Flat Fee may be applied to cover the Government's cost to process, monitor and perform final inspection for a request to use ARS-controlled land or facilities.
 - Processing a request normally takes ARS staff two hours at a cost of \$45 (\$22.50 x 2 hrs = \$45.00).
 - Processing, monitoring, and performing final inspection normally takes ARS staff four hours at a cost of \$90 (\$22.50 x 4 hrs = \$90.00).
- b. **Fair Market Value Fee (FMV)** - The FMV Fee is generally applied when the temporary use of ARS-controlled land and facilities is for a period of less than 30 days. The Fee is commensurate with what is charged for similar property by other landowners or vendors in the area.

- **Market Survey:** The Fee is established by checking the price charged by other landowners or vendors in the area. For example, the Fee applied for the use of an ARS conference room is based on the rate charged for a similar size conference room by local hotels or conference facilities in the area.
 - **Appraisal:** A formal appraisal should be prepared for the long-term use (over 10 years) of ARS-controlled land and facilities, such as road or utility easements or the placement of antenna on ARS facilities.
- c. **Indirect Research Costs (IRC)** - The Location's IRC rate is generally applied when the use of ARS-controlled property is equal to or exceeds 30 days. The Location's IRC rate is calculated annually for the ARS Annual Resources Management Plan. IRC represents the cost for the basic operations ("open the door") of the Location. IRC includes the costs of utilities, facility operations, janitorial services, security, etc. Shared research costs should be included, if applicable. IRC is generally charged to other Federal agencies; consult P&P 324.0, ARS Reimbursable and Trust Funds Agreements, for such actions.

NOTE: Quarters rental rates are established by surveys conducted by the National Business Center of the Office of the Secretary, Department of Interior, under their Quarters Rental Program.

8. Insurance Claims

Damage to ARS-controlled property, while in use under a revocable permit or easement, are the responsibility of the permit or easement holder or a third party representing that individual or organization, such as an insurance company. Direct payment to the Government for damages are deposited directly into the General Treasury and cannot be used to repair the damaged property. Therefore, the permit holder or insurance company should make arrangements to have the property repaired or restored to its original condition, in coordination with the ARS property management officer.

For example, an insurance company would be required to make arrangements for the damaged Government property to be repaired by a qualified contractor, rather than issuing the Government a settlement check.

9. Document Tracking Number

ARS property management officers issuing permits or easements are reminded that a document tracking number is required on each revocable permit or easement (or other authorized special use occupancy agreement), in order to process the Fee. The following tracking number system will be utilized:

Real Property Rental Contract No. (Fixed # = 57)	4 th Level of Mode Code	FY Executed- Last Digit	Control No's (0-999)
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Example: 57 - 1930 - 0 - 089

- Tracking numbers will be positioned on the top right corner of the easement or where specified on the revocable permit (Form ARS-494).
- A control number should not be re-used for a period of at least 5 years.
- A log on tracking numbers should be maintained by the Area Property Management Officer.

NOTE: This tracking numbering system replaces the numbering requirements specified in the ARS Real Property Manual 245.1, Chapter III, Grants of Easement, Item 15.a.f., and Chapter IV, Revocable Permits, Item 11.b.

10. Payment Submission Requirements

Fee payments must be made in advance of services rendered. These payments are to be made in the form of a check or money order with the document tracking number cited on the form of payment. Checks and money orders are to be made payable, in U.S. funds, to the Agricultural Research Service. Receipts may be provided to requesters for their records or for billing purposes.

11. Responsibilities

Accounting for Collection and Use of Fees

Fee collections, as defined under this authority, are classified as “no-year” and are available until fully expended. These funds will be allocated under the **X89** Fund Code.

The following guidance is provided in order to standardize the reporting of these collections in both the Foundation Financial Information System (FFIS) and the Agriculture Research Information System (ARIS).

a. **Location Responsibilities**

- **ARIS** - Enter Form ARS-425, Authorization To Apply For and Use Funds From Outside Sources. Standard information is listed below and shown in Exhibit 5. The start and end dates of the Form ARS-425 should correspond to the period covered on the revocable permit or easement document. The period covered for permits cannot exceed five years. Since easements are executed for longer periods of time, but payment is made in one lump sum, consider these executed for one year. Other special use occupancy agreements should be handled the same as easements, if they exceed five years. (For existing antenna permits approved for 10 years, consult the Facilities Division, Real Property Management Branch for guidance.)

Source of Funds:	3349
Type of Agreement:	Trust
Purpose of Funds:	Services Only
Remarks:	State purpose for collection of Fees.

Indirect Program Support Cost (IPSC) is **not** assessed for Fee collections. For further ARIS information, refer to Chapter 4, Section C. The ARIS Manual can be viewed online at:

<http://www.npstaff.ars.usda.gov/ARIS/Manual/>

- **LOTS** - Establish records and perform funds control for the Fees.

b. Area Budget & Fiscal Office Responsibilities

- **FFIS** - Establish program codes in the FFIS, ACCS tables for collection of Fees and obligation of the funds. Data must be entered on the following tables:

PROGRAM REFERENCE TABLE - PGMT

ACTION: Enter **N**

BUDGET FISCAL YEAR: Enter the **BFY** for the accounting strip you wish to add, normally the current fiscal year.

PROGRAM: Enter the **9 DIGIT PROGRAM CODE**.

PROGRAM TYPE: Enter the 2-digit program type, which is **29**.

PROGRAM NAME: The first 11 characters should be the **VENDOR CODE** of the entity providing the funds to ARS. After skipping a space, the last 18 characters should be the **PROVIDER'S NAME**.

SHORT NAME: Enter the **NUMBER OF THE LEASE, PERMIT, ETC.**

DEFAULT VALUES TABLE - DVAL

ACTION: Enter **N**

FISC YR: Enter the **CURRENT FISCAL YEAR**

H/L: Enter **L**

BFYS: Enter the **BUDGET FISCAL YEAR** of the Program Code

PGM: Enter the **PROGRAM CODE** you entered on PGMT

ACCOUNTING STRUCTURES CODE CROSS REFERENCE TABLE - ACXT

ACTION: Enter **A**

FY: Enter the **CURRENT FISCAL YEAR**

AGENCY: Enter **03**

ACCOUNTING STATION: Enter **0091**

ASC1: Enter the **FEEDER SYSTEM ACCOUNTING CODE**

SEC1: Enter **2-DIGIT AREA CODE**

BFSY: Enter the **2-DIGIT BUDGET FISCAL YEAR**

PROGRAM: Enter the **PROGRAM CODE**

- **Deposit of Collected User Fees** - Upon receipt of check or money order, prepare Form ARS-326-1, Record of Public Funds Received and Transmitted For Deposit. (Financial Management Manual, Exhibit 26-3). The Budget Object Class for collection of User Fees is **0250**.
- **ARIS** - Upon collection of Fees, enter the receipt of funds on the Budget Page of the Form ARS-425.

c. **Budget & Program Management Staff (BPMS)**

- Estimate fiscal year Fee collections in preparation for the Agency's Apportionment and Reapportionment Schedules (SF-132) for the Execution of Funds report provided to the Office of Management and Budget.

Treasury Symbol = 12X1400, No-Year authority. Funds available until fully expended.

- Prepare Allotment Advice AD-704 for entering AA (Appropriation and Apportionment Document) and PA (Apportionment Approval Document) into FFIS. (Refer to Exhibits 2, 3, & 4)
- Upon notification by receipt of the form ARS-425 Budget page transactions, create an allocation (Form AD-705) to officially authorize the use of funds. (Refer to Exhibits 6 & 7)

Reallocate carryover from prior year balances after the appropriate tables have been populated in FFIS.

- Enter Budget Execution Document (BE) into FFIS. (Refer to Exhibit 8)

JAMES H. BRADLEY
Deputy Administrator
Administrative and Financial Management

EXHIBITS

Exhibit 1 - Application for Revocable Permits and Easements

Exhibit 2 - Sample Form AD-704 Allotment Advice

Exhibit 3 - Sample Form AA Document (Appropriation and Apportionment)

Exhibit 4 - Sample Form Apportionment Approval Document

Exhibit 5 - Sample Form 425

Exhibit 6 - Sample Form 425 Budget Page Transactions

Exhibit 7 - Sample Form AD-705 Advice of Allocation of Funds

Exhibit 8 - Sample Form Budget Execution Document

Exhibit 1

U.S. Department of Agriculture
Agricultural Research Service

Please check one:

- ☐ Application for Use of Facilities/Grounds
☐ Application for Easement Deed

Applicant Name: _____ Date: _____

Contact Name: _____

Name of Company/Organization: _____
Address: _____

Please provide the name, address and phone number of the organization or company that has contracted/requested for your services/activity, if applicable:

Date requested for services/activity: _____

Entry Time: _____ Exit Time: _____

Identify site(s) to be used (list at least one specific site).

Itemize equipment needed (i.e., sound equipment, lights, screens, etc.)

Provide detailed description of the activity (the purpose, estimated number in attendance, etc. Be as specific and detailed as possible). Attach additional pages, if required.

Project Description: (Please fill in if requesting Easement only)

Acres: _____

Length: _____ Width: _____

Improvements to be Constructed: _____

Scheduled Start: (Please fill in if requesting Easement only) _____

Scheduled Finish: (Please fill in if requesting Easement only) _____

All ARS regulations shall be obeyed. Falsification of any of the above information shall result in immediate cancellation of permission to conduct activity with no refund. Permission is granted for the date and time indicated only and is not transferable. Locations other than those approved may not be used.

I understand and agree to the conditions above and have not falsified any information about this activity.

Signature: _____ Date: _____

FOR OFFICIAL USE ONLY

Approved/Denied: _____

Approving Official:

Date: _____

Reason for Denial: _____

Notification: Security, Area Realty Officer, Scheduling Coordinator

Exhibit 2

UNITED STATES DEPARTMENT OF AGRICULTURE ALLOTMENT ADVICE

AGENCY NAME AND ADDRESS	AGENCY CODE	FUND CODE	DOCUMENT NUMBER
To:			
	EFFECTIVE DATE	FISCAL YR	TREASURY SYMBOL
	ACCOUNTING CLASSIFICATION		

DESCRIPTION

The schedule below shows the distribution of the total allotment by period. The limitation will be the cumulative amount through the current period or quarter, and obligations may not be incurred at any time in excess of such limitations. Allottees who incur obligations in excess of an allotment or limitation subject to Section 3679 of the Revised Statutes, as amended, may be liable to penalties of administrative disciplinary actions, fine of not more than \$5,000. or imprisonment for not more than two years, or both. Additional limitations are prescribed on this form or as an attachment.

FUNDS ALLOTTED BY QUARTERS

QUARTER ENDING	PRIOR AMOUNT	INCREASE	DECREASE	PRESENT AMOUNT	CUMULATIVE AMOUNT
1 – Dec. 31					
2 – March 31					
3 – June 30					
4 – Sept. 30					

TOTALS

FUNDS ALLOTTED BY THIRDS

PERIOD ENDING	PRIOR AMOUNT	INCREASE	DECREASE	PRESENT AMOUNT	CUMULATIVE AMOUNT
1 – Jan. 31					
2 – May 31					
3 – Sept. 30					

FUNDS ALLOTTED ON ANNUAL BASIS

PERIOD ENDING	PRIOR AMOUNT	INCREASE	DECREASE	PRESENT AMOUNT
1 – Sept. 30				

EXPLANATION

AUTHORIZED SIGNATURE AND TITLE	DATE
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Exhibit 3

COMMD: DOCID: AA 01 28901 09/26/01 12:58:38
STATUS: HELD BATID: SEC2:

APPROPRIATION AND APPORTIONMENT DOCUMENT

TRANS DATE: ACCTG PD: 01 02
ACTION: A BUDGET FYS: 02 FUND: 89
TOT APPOR AMT:
TOT APPOR FTES:

TR TYPE	REVISED AMOUT	INC/DEC AMOUNT	
-----	-----	-----	
APPROP:			IND:
EST REIMBUR: WC		300,000.00	OPTION: E
EST RECOVER:			
STAT RES:			PUB LAW:
APPR FTES:			
APPORTIONMENT PD 1-4 TRANS TYPE: PN	APPORTIONMENT DEFERRED TRANS TYPE:		
APPOR PERIOD	PENDING APPOR AMT	APPOR INC/DEC AMT	APPOR FTES FTE INC/DEC
-----	-----	-----	-----
1		300,000.00	
2			
3			
4			

DEFERRED

A--*HS25-BATCH/DOCUMENT SAVED

A--*HS33 – DOCUMENT HELD

Exhibit 4

COMMD: DOCID: PA 01 28901 09/26/01 15:33:23
STATUS: HELD BATID: SEC2:
APPROPRIATION APPROVAL DOCUMENT
TRANS DATE: ACCTG PD: 01 02
DOC ACTION: 1 (1 – APPROVE PENDING AMOUNTS) POST IND: Y
(2 – REJECT AND CLEAR PENDING AMOUNTS)
BUDGET FYS: 02 TRANS TYPE – PERIOD 1-4 DEFERRED
FUND: 89 -----
APPOR PERIOD: 1 APPROVED: AP
TOTAL AMOUNT: POSTED: 01

A--*HS25-BATCH/DOCUMENT SAVED

A--*HS33 – DOCUMENT HELD

Exhibit 5

**Agricultural Research Service
Agricultural Research Information System
Authorization to Apply for and Use Funds From Outside Sources**

Modecode/Log Number: 5445-20-00 0018354

Status: Active

Location/Management Unit Name:

MANDAN, NORTH DAKOTA
NATURAL RESOURCE MANAGEMENT RESEARCH

Contact:

Type: Principal Investigator

Series: Range Conservation

Telephone: (701) 667-3010

Purpose of Funds: Service Only

Type of Service: Space & Other Services

Type of Agreement: Trust

Remarks:

Source of Funds:

REVOCABLE PERMITS AND EASEMENTS

Type: USDA

IPSC: Always Waived

Requesting IPSC Waiver:

Waiver approved by BPMS:

Why are you requesting IPSC?

Do you or any full-time resident of your household have any activity or financial interest (dealings) with the Cooperating Organization? No

Start Date: 08/01/2000

End Date: 07/31/2005

Duration: 60 (months)

How are funds to be used?

ARS FTE: 0.00

Total Proposed: \$57,000

Category 1 Salaries: 0

Supplies: 0

Equipment: 0

Other Federal Salaries: 0

Travel: 0

RSA: 0

Other Costs: 57,000

Value of Owned or Controlled ARS Buildings & Land Utilized: \$150,000

Area Ethics Advisor ONLY:

Confirmation and determination of 'dealings' question responded by SY.

No dealings, no conflict

Recommended

Approved / Concurred

Signature

A/D

Date

Signature

A/D

Date

RL:

NPL1:

CD/LD/DAD:

NPL2:

ABFO:

NPL3:

AD:

BPMS:

PAO:

ADA:

Exhibit 6

Agricultural Research Service
Agricultural Research Information System
Authorization to Apply for and Use Funds From Outside Sources

Modecode/Log Number:	5445-20-00	18354			
Date	Accounting	Agreement		Amount Received	
Entered	FY	Code	Number	New	Carryover
12/03/2002	2003	389-5445-100	00-5445-0-0100--	\$500	\$0

Fund Authorization:

IPSC Waived: Yes

How is total amount to be used?

Total Received Amount: \$500

Category 1 Salaries:	0	Supplies:	0	Equipment:	0
Other Federal Salaries:	0	Travel:	0	RSA:	0
Other Costs:	500				

Comments:

Exhibit 7**UNITED STATES DEPARTMENT OF AGRICULTURE
ADVICE OF ALLOCATION OF FUNDS****AGENCY NAME AND ADDRESS****AGENCY CODE****FUND CODE****DOCUMENT NUMBER**

To:

EFFECTIVE DATE**FISCAL YR****TREASURY SYMBOL****ACCOUNTING CLASSIFICATION****DESCRIPTION**

The funds shown below are budgeted for your programs under this financial activity. If the programs require changes in amounts show in total or by quarters/periods, notify the issuing office in writing in advance. Upon approval, the budget office will be advised effect the required revision. Funds distributed to a lower level should be based on approved operating plans which are within the limitations shown below.

FUNDS ALLOTTED BY QUARTERS

QUARTER ENDING	PRIOR AMOUNT	INCREASE	DECREASE	PRESENT AMOUNT	CUMULATIVE AMOUNT
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1 – Dec. 31

2 – March 31

3 – June 30

4 – Sept. 30

TOTALS**FUNDS ALLOTTED BY THIRDS**

PERIOD ENDING	PRIOR AMOUNT	INCREASE	DECREASE	PRESENT AMOUNT	CUMULATIVE AMOUNT
---------------	--------------	----------	----------	----------------	-------------------

1 – Jan. 31

2 – May 31

3 – Sept. 30

FUNDS ALLOTTED ON ANNUAL BASIS

PERIOD ENDING	PRIOR AMOUNT	INCREASE	DECREASE	PRESENT AMOUNT
---------------	--------------	----------	----------	----------------

1 – Sept. 30

This advice effects the allocation of funds under the following funds and limitations: "In fiscal year 200__, the Agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities issued by the Agency, as authorized by law, and such fees shall be credited to this account and shall remain available until expended for authorized purposes."

These funds are subject to any limitations not specifically noted but contained therein, and are subject to 31 U.S.C. 1301 requiring their use only for the purpose for which they were appropriated. Any deviation from the legislative history should be handled in accordance with reprogramming procedures.

AUTHORIZED SIGNATURE AND TITLE**DATE**

FORM AD – 705 (7/76)

Exhibit 8

COMMD: DOCID: BE 01 28902 02/28/02 14:14:37
STATUS: ACCPT BATID: SEC2:

BUDGET EXECUTION DOCUMENT

TRANS DATE: ACCTG PD: 05 02 APPRV TR TYPE: AP POSTED TR TYPE: 01
BUDGET FYS: FUND: 89 HEADER ACTION IND: APPOR PERIOD: 1
TOTAL REVISED AMT: BUDGET LEVEL: AC

A									
C					TRANS	TYPE	P		
T	DIV	ORG	PROGRAM	BOC	APPRV	POST	D	YTD AMT	INC/DEC AMT
-	----	-----	-----	-----	-----	-----	-	-----	-----
01- C	12						1		69,061.00
SPENDING IND:							2		
							3		
DESCRIPTION							4		

SUBALLOT OPTNS						REVISED	
ORG	PGM	BOC	SPN	TR TYPE		AMOUNT	INC/DEC AMT
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EST REIM:

A--*HP20 – DOCUMENT ACCEPTED
REVIEW
H--CA01W-ALLOC SPND CTL NOT = C (FULL)

A--*HP01 – WARNING MSGS; PLEASE
